

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

Although it may appear at the outset that such freedoms would be preserved, eventually such fair use rights would most certainly be infringed. The very nature of the content holders creates heavy incentives for them to use the technology in ways that will offer them maximum protection -- they have little incentive to protect the fair use rights of end users. The only force that would prevent such abuse would be public outcry, but unfortunately this is likely to fade as people become acculturated to the notion of digital media control. The regulatory nature of the FCC has always been, in theory, to protect the public interest, and this case warrants acting on behalf of consumer rights even if most consumers do not understand those rights.

Would the broadcast flag requirement limit consumers ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard?

It is very likely that playback devices will soon require the flag if it is added to the signal. Microsoft has already made it clear that they will follow the lead of the Hollywood establishment in enforcing any DRM scheme -- thus, existing recording equipment would progressively lose its value as more and more new equipment requires the flag.

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?

Yes -- any regulatory requirement creates, in essence, a barrier to entry for technology innovation. The extra cost associated with honoring any DRM technology inhibits small organizations or even individuals from being viable vendors of innovative technology.